

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMALL S. BAKER,

Plaintiff,

v.

KIM,

Defendant.

CASE NO. C25-1028JLR

ORDER

In May 2025, *pro se* Plaintiff Jamall S. Baker filed a complaint under 42 U.S.C. § 1983 against Defendant Kim, whom Mr. Baker alleges is a chaplain at Monroe Corrections Complex SRTC. (Prop. Compl. (Dkt. # 1-1) at 2-3.) Mr. Baker alleges that Chaplain Kim violated his First Amendment right to exercise his religion. (*Id.* at 4.) On June 6, 2025, Mr. Baker moved for leave to proceed *in forma pauperis* (“IFP”). (IFP Mot. (Dkt. # 5).)

On June 17, 2025, following review of Mr. Baker’s IFP motion and application materials, Magistrate Judge Grady J. Leupold found that Mr. Baker could afford to pay

1 the \$405.00 filing fee. (*See* OSC (Dkt. # 6).) Magistrate Judge Leupold therefore
2 ordered Mr. Baker to pay the filing fee, or alternatively, to show cause why his IFP
3 motion should not be denied based on his ability to pay. (*Id.* at 2.) Mr. Baker has not
4 responded to the order to show cause¹ or paid the filing fee. (*See generally* Dkt.) On
5 July 3, 2025, Mr. Baker moved for voluntary dismissal of this action. (Mot. (Dkt. # 7).)
6 Chaplain Kim has not been served with process and no responsive pleading has been
7 filed. (*See generally* Dkt.)

8 Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may voluntarily
9 dismiss an action without a court order by filing a notice of dismissal before a responsive
10 pleading is filed. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). Voluntary dismissal is without
11 prejudice unless the plaintiff previously dismissed any federal or state court action based
12 on or including the same claim. Fed. R. Civ. P. 41(a)(1)(B).

13 Because Mr. Baker moved for voluntary dismissal before a responsive pleading
14 was filed, and because it does not appear he has dismissed the same claim in a different
15 federal or state court proceeding, Mr. Baker may voluntarily dismiss this case without
16 prejudice and without a court order.

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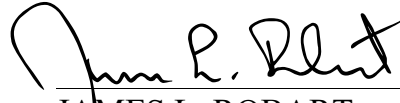
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22 ¹ In his motion, however, Mr. Baker represents that he has “just come into money and
will file this action once funds become available.” (Mot. at 2.)

1 Accordingly, the Clerk is DIRECTED to close this case based on Mr. Baker's
2 voluntary dismissal. Mr. Baker's IFP motion is DENIED as moot (Dkt. # 5).

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4 Dated this 8th day of July, 2025.

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6 JAMES L. ROBART
7 United States District Judge
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